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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/457,104	12/07/1999	Ian Redmond	4154-9	7303

32605 7590 12/15/2004

MACPHERSON KWOK CHEN & HEID LLP  
1762 TECHNOLOGY DRIVE, SUITE 226  
SAN JOSE, CA 95110

EXAMINER
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EDUN, MOHAMMAD N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/457,104

Applicant(s)

REDMOND ET AL.

Examiner

MUHAMMAD N EDUN

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-70 is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9, 13-16 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 10, 11, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-4, 7-9, 12-16 and 19-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Drake et al. (6,076,256).**

Drake et al. Discloses the invention as claimed. Figs. 1-22 show the optical disk drive apparatus having: the optical arm (105) movable with respect to optical media position in the drive; and the optical head (106) coupled to the optical arm, the optical head including the light source (which includes a fiber, as set forth in claims 7, 12 and 19, see column 7, lines 11-20) and the objective optics (246), wherein the objective are maintained in a substantially fixed spatial relationship during a first movement of the optical arm (see Figs. 1-3), as set forth the claims. The reference further teaches the movement is either tracking or focusing movement, as set forth in claims 2, 3, 13, 14, 20 and 21 (see column 21); and the light source comprises a laser (111), as set forth in

claims 4, 9 and 19. See the description of the apparatus and figures for further details relating to the limitations as set forth in the claims.

**Claims 1-4, 8, 9, 13-16 and 20-21 are further rejected under 35 U.S.C. 102(e) as being anticipated by Gage et al. (6,466,525).**

Gage et al. Discloses the invention as claimed. Figs. 2-4 show the optical disk drive having: the optical arm (20A) including an optical head (22, 54, 56 and 24) which includes the light source (46) and objective lens (24) that are maintained at a fixed spatial relationship (see column 3, lines 1-10) during tracking or focusing operations (see column 3), as set forth in claims 1-4, 8, 9, 13-16 and 20-21. See also the description of the apparatus and figures for further details relating to the limitations as set forth in the claims.

***Allowable Subject Matter***

**Claims 5, 6, 10, 11, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Claims 22-70 are allowed.**

**The following is a statement of reasons for the indication of allowable subject matter:**


The prior art of record alone or in combination does not teach or suggest the apparatus and method of claims 1, 8 and 15, having the further limitations as set forth in claims 5, 6, 10, 11, 17 and 18.

Further the prior art of record does not teach the optical head apparatus and method having the combination of elements and steps with their recited structure and process, along with the specific structure, arrangement and process of the silicon wafer chip or substrate having electronics, and the positioning and structure of the mirror and optics-carrying and objective section, as set forth in claims 22-66, and the specific fabricating process as set forth in claims 67-70, and as disclosed in the specification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUHAMMAD N EDUN whose telephone number is 703-308-1550. The examiner can normally be reached on FLEXITIME.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DORIS TO can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**MUHAMMAD N EDUN**  
**Primary Examiner**  
**Art Unit 2655**